Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

June 16, 1994

The Honourable David Warner, MPP
Speaker of the Legislative Assembly

Dear Mr. Warner:

I have the honour to present my annual report to the Legislative Assembly. This report covers the period from January 1, 1993 to December 31, 1993.

Yours sincerely,

Tom Wright

Tom Wright
Commissioner

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THE PURPOSES OF THE ACTS

The purposes of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* are:

a) To provide a right of access to information under the control of government organizations in accordance with the following principles

- information should be available to the public;
- exemptions to the right of access should be limited and specific; and
- decisions on the disclosure of government information may be reviewed by the Information and Privacy Commissioner.

b) To protect personal information held by government organizations and to provide individuals with a right of access to their own personal information.

The contents of this annual report are printed on recycled paper.

The graphics and text pages were created and desktop published by staff at the Office of the Information and Privacy Commissioner/Ontario.

Ce rapport annuel est également disponible en français.

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COMMISSIONER'S MESSAGE

In 1993 the Office of the Information and Privacy Commissioner (IPC) highlighted two fundamental challenges facing Ontario – the erosion of privacy by the pressures of technology, and the persistence of barriers against the wider sharing of government information with the public. Ontario's success in meeting these challenges will have a profound influence on our lives, as individuals and as a community, in the next century.

PRIVACY ON THE DEFENSIVE

In the recent Supreme Court of Canada decision *R. v. Dersch*, [1993] 3 S.C.R. 768, Madam Justice L'Heureux-Dubé wrote, "...(I)n our modern informational society, where intimate details of one's life may be available through computerized information accessible to many more persons than those initially entrusted with the knowledge, the security that information will be kept in privacy may be even more significant than one could have historically imagined".

Yet despite this sense of urgency, those who see privacy as a fundamental human value are constantly placed on the defensive, fighting a rear-guard action to recoup the privacy losses inflicted in the name of "progress".

We are witnessing the steady erosion of privacy through the creep of technology. Innovations such as photo radar and call management services are being adopted apparently for good reasons, such as traffic safety or consumer convenience, and government service cards are under development for the laudable aims of customer service and possible fraud reduction. But as surveillance increases on a piecemeal basis, privacy is also sacrificed bit by bit. One day soon we could wake up and find ourselves in *1984*.

To avoid this, we need a new privacy paradigm. Our society should insist that existing privacy rights be taken as inviolate. Those who propose to alter existing privacy levels should be required to demonstrate that the benefits to be gained outweigh the privacy to be lost.

In such a balancing process, we must ensure that the odds are not stacked against privacy by the tendency to overestimate the potential benefits of technology. Only if we take an objective view of what technology can actually deliver can we accurately determine if the privacy losses are acceptable.

I am confident that technological progress will not decelerate if we impose tougher controls. Instead, the experts who develop new systems will find ways to make them compatible with privacy values. In this way, we can harness technology to protect privacy rather than undermine it.

It is in the workplace that privacy issues are now reaching a flash point. In November 1993 the IPC completed a process of consultation and analysis on this subject with the release of the report, *Workplace Privacy: The Need for a Safety-Net.*

In our report we call on the Ontario government to establish minimum workplace privacy standards through legislation in three areas: an outright ban on mandatory genetic, drug and HIV/AIDS testing in the workplace; strict controls on video and other electronic surveillance of employees; and extension to private sector workers of the employment record safeguards now available to government employees.

Though new testing and monitoring technologies are sometimes justified as a way of boosting productivity, the result is often the opposite. The reaction to the IPC's report convinces me that the concerns are real, with potentially serious consequences for Ontario's economic performance. A comprehensive safety-net is essential to impose some reasonable constraints before these damaging practices become entrenched in Ontario workplaces.

This province must also confront a broader issue that is gaining momentum internationally – that of data protection in the private sector. The European Community has issued a draft directive on this theme. Closer to home, effective January 1, 1994, Quebec has become the first jurisdiction in North America to regulate what business does with personal information.

The time has arrived for the Ontario government to respond to the public perception – well documented in opinion surveys – that personal privacy is under siege. Legislation is imperative to control when and how personal information can be collected, held, used or disclosed by the private sector in this province.

ACCESS DEMANDS NEW APPROACHES

On the freedom of information side of our mandate, the IPC is promoting expanded access to government records. We believe Ontario needs faster change in the organizational culture of the public sector, so that government sees itself as the custodian – not the owner – of the information under its control. This challenge demands strong leadership from the highest levels of both provincial and municipal governments.

To reaffirm the commitment to openness, both provincial and municipal government organizations should adopt a more flexible approach to the use of discretionary exemptions from disclosure requirements. Discretion should not mean a virtually automatic denial of access to information which may technically fall under an exemption.

Instead, each request should be evaluated on its merits. If there is no harm to the interest protected by the exemption, then the request for information should be granted. Advice to government (from employees or consultants) and solicitor-client privilege are two exemptions that definitely could be applied more flexibly to improve access.

More generally, government organizations should view freedom of information legislation as the minimum standard for openness, rather than as the ceiling of their access responsibilities.

For some time, the IPC has been urging government organizations to identify in advance specific categories of records that could be released on demand, in response to either a formal or informal access request. More than this, we have called on government to anticipate customer needs by distributing useful information on its own initiative, without waiting to be asked. During 1993 the IPC worked with Management Board Secretariat as well as provincial and municipal organizations to develop principles and practices for expanding the routine disclosure and active dissemination of information the public wants.

In this context I would like to raise two points about the information superhighway, the focus of so much recent attention. First, the information superhighway is only a *means* of communication. What data actually travels along that road is another matter. From the point of view of government information, there will be little traffic moving on the superhighway unless the traditional reflex towards secrecy is replaced by a vibrant commitment to openness.

Second, the information superhighway must be accessible to all, without regard to geographical location or socioeconomic background. It is especially important to maintain equitable access to government information flowing on the highway: there must be no financial toll booths. Otherwise we risk creating a new social division – between information "haves" and "have-nots".

Let me take this opportunity to salute a model use of the information highway – the *Environmental Bill of Rights* enacted in December 1993. Among other aims, this legislation establishes an electronic registry of information on environmental matters, including government decisions affecting the environment. Computer terminals to be located in public libraries will provide equitable and convenient access to this useful information on a critical public issue.

THREE-YEAR REVIEW

As 1993 drew to a close, the IPC was preparing for the three-year review of the *Municipal Freedom of Information and Protection of Privacy Act.* We developed a series of 53 recommendations for amendments to both the municipal and provincial *Acts*, for presentation to the legislature's Standing Committee on the Legislative Assembly early in 1994.

Ontario's current access and privacy laws apply only to provincial and municipal government organizations. Foremost among our recommendations is a call to extend the legislation to hospitals, universities, social service agencies and professional governing bodies.

These additional bodies perform significant public functions and many of them receive substantial government funding. Providing access to their general records will make them more readily accountable. At the same time, these bodies often hold sensitive personal information, which requires legislated privacy safeguards.

A second major amendment we suggest is to disclose the actual salaries of all provincial and municipal government employees. At present, legislation permits the release of salary ranges only, and no information can be divulged where no ranges exist. Again, broader access to information will increase accountability.

Other IPC recommendations are intended to expand access to information, strengthen privacy protection and make the legislation more workable. Among our proposed changes are:

- a stronger "public interest override" clause authorizing the release of government records that are normally exempt from disclosure, where there is an overriding public interest;

- special provisions dealing with electronic records, including mandatory consideration of access and privacy features in the design stage of government information systems;

- safeguards to ensure continued public access when the private sector distributes basic information on government's behalf; and

- limits on the introduction of new unique personal identifying numbers by government organizations.

We look forward to the release of the committee's report in 1994. A similar three-year review of the provincial *Act* was completed in 1991, but the government deferred action pending the municipal review. We trust the government will move ahead promptly with amendments to both *Acts*.

PRODUCTIVITY UP

1993 was year two in the IPC's five-year plan to streamline operations and improve customer service. I am pleased to report that our productivity has risen sharply under this plan. Our totals for both appeals closed and investigations completed in 1993 were more than double the levels recorded in 1991.

This outstanding progress is a tribute to the dedicated efforts of our talented staff, as well as to excellent co-operation from government information and privacy co-ordinators across Ontario and from the Freedom of Information and Privacy Branch at Management Board Secretariat.

I extend special thanks to the organizations that participated in two invaluable projects this year. The projects included the Appeals Pilot Project initiated by the Appeals Innovation Team, and the Forms Review conducted by the Compliance Department. The results of these initiatives have assisted all government organizations to deliver better access to information and stronger privacy protection.

In the year ahead we in the IPC look forward to continued partnership with our colleagues in government and our customers, the people of Ontario, to sustain the values of access and privacy in the Information Age.

Tom Wright
Information and Privacy Commissioner

THE IPC: OUR MISSION

The Information and Privacy Commissioner (IPC) plays a crucial role under the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* (the *Acts*). Together, these two *Acts* establish a system for guaranteeing public access to government information, with limited exemptions, and for protecting personal information held by government organizations at both the provincial and municipal levels.

The first *Act* applies to all provincial ministries and most provincial agencies, boards and commissions, as well as to colleges of applied arts and technology and district health councils. The second *Act* covers local government organizations, such as municipalities; public library, health and school boards; and public utilities, transit and police commissions.

Ontario is in the forefront in combining the right to access with the right to privacy in the same legislation.

Access refers mainly to information about what government organizations do, as reflected in administrative, operational and policy-related records. Access to such general records can be equated with open government.

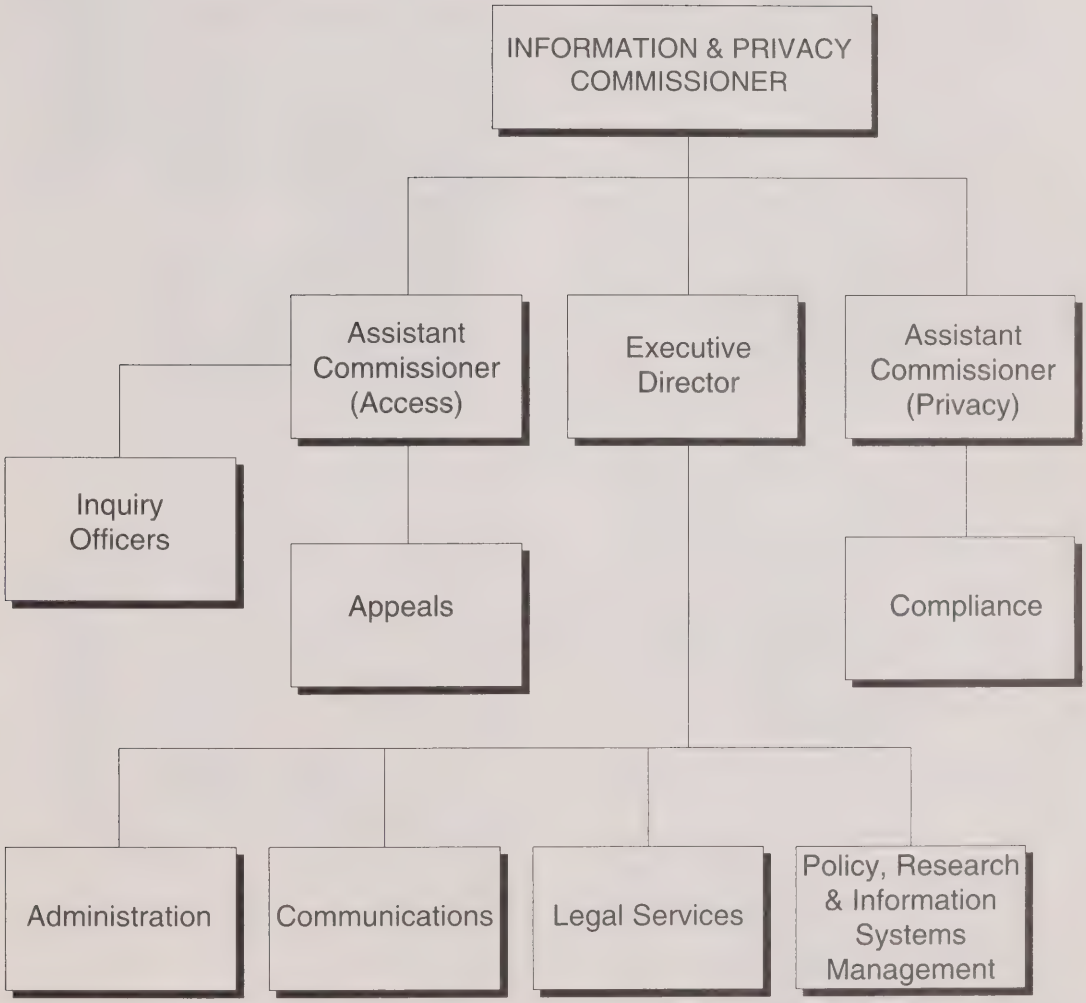
Privacy, on the other hand, concerns information about individuals. The *Acts* establish rules about how government organizations may collect and use personal data. In addition, individuals have the right to see their own personal information held by government organizations and are entitled to correct this information.

The mandate of the IPC is to provide an independent review of government decisions and practices concerning access and privacy. To safeguard the rights established under the *Acts,* the IPC plays five roles:

- resolving appeals when government organizations refuse to provide requested information;
- investigating privacy complaints about government-held information;
- ensuring that government organizations comply with the *Acts;*
- conducting research on access and privacy issues and providing advice on proposed government legislation and programs; and
- educating the public about Ontario's access and privacy laws.

The Information and Privacy Commissioner reports to the Legislative Assembly of Ontario. The Commissioner is therefore independent of the government of the day and in a position to carry out duties even-handedly. The present Commissioner was appointed in 1991 for a five-year term on the recommendation of an all-party committee of the legislature following an open, competitive selection process.

In line with the legislation, the Commissioner has delegated some of his decision-making powers to his staff. The Assistant Commissioner (Access) and four Inquiry Officers have authority to issue orders resolving appeals. And the Assistant Commissioner (Privacy) investigates privacy complaints, reviews government practices and approves applications for indirect collection of personal information.


INFORMATION & PRIVACY COMMISSIONER
Assistant Commissioner (Access)
Executive Director
Assistant Commissioner (Privacy)
Inquiry Officers
Appeals
Compliance
Administration
Communications
Legal Services
Policy, Research & Information Systems Management

Provincial and municipal government organizations file a yearly report with the IPC on their activities under the *Acts.* These reports include data on the requests received for general records, personal information and correction of information, as well as on the organization's response to these requests. Compiling these reports gives us a useful picture of compliance with the *Acts.*

In all, provincial government organizations received 11 268 requests for access to information in 1993 – the highest annual total since the provincial *Act* took effect. The 1993 figure was more than 50 per cent above the average number of requests over the previous five years. Municipal government organizations reporting for 1993 received a total of 8475 requests, up 19 per cent from 1992.

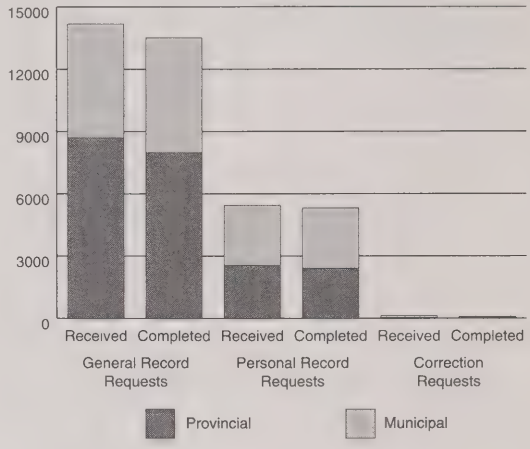
Requests for general records outnumbered those for personal information by about three and a half to one in provincial organizations, and two to one in municipal organizations. This was consistent with previous trends: in every year under either *Act,* requests for general records have exceeded those for personal information.

Also in line with previous trends, both provincial and municipal organizations had answered the vast majority of requests received in 1993 by the end of the year. Very few requests were carried over to 1994.

The Ministry of Finance reported the highest number of requests under the provincial *Act,* followed by the Ministry of the Solicitor General and Correctional Services, the Ministry of Labour and the Ministry of Community and Social Services. Together, these four Ministries accounted for 67 per cent of all requests received by ministries and 60 per cent of all provincial requests (to ministries or agencies).

Under the municipal *Act,* municipal corporations (including all municipal governments) received 58 per cent of total requests. Police services boards were next with 29 per cent, followed by public utilities and school boards, each with about five per cent.

Requests Received and Completed – 1993

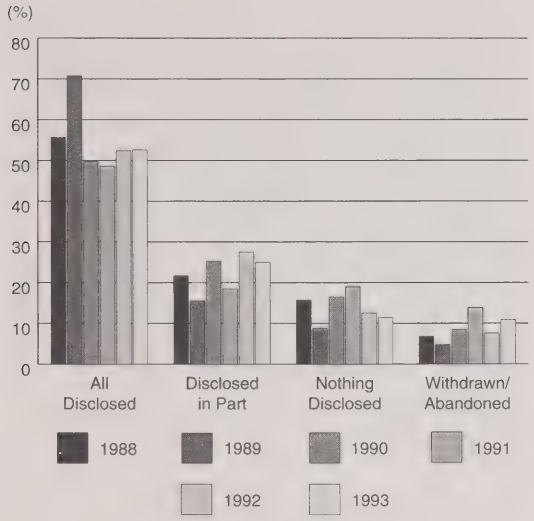


In all six years of operation of the *Act,* provincial government organizations have replied to the majority of requests within 30 days. In 1993, 51 per cent of provincial requests were answered within 30 days; 88 per cent within 60 days; while only three per cent took more than 120 days.

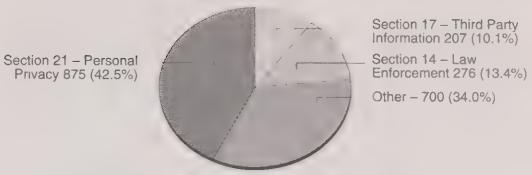
Municipal government organizations responded to a sizable majority of requests – 91 per cent – within 30 days in 1993, virtually the same level as in the two previous years. Ninety-seven per cent of municipal requests this year were answered within 60 days and only one per cent took more than 120 days to complete.

The overall outcome of requests this year was similar to the 1992 result. Just over half of both provincial and municipal requests led to the release of all information sought. In only about one in 10 cases was no information disclosed.

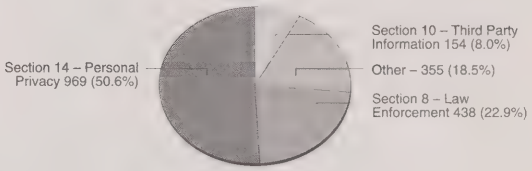
Outcome of Provincial Requests – 1988-93



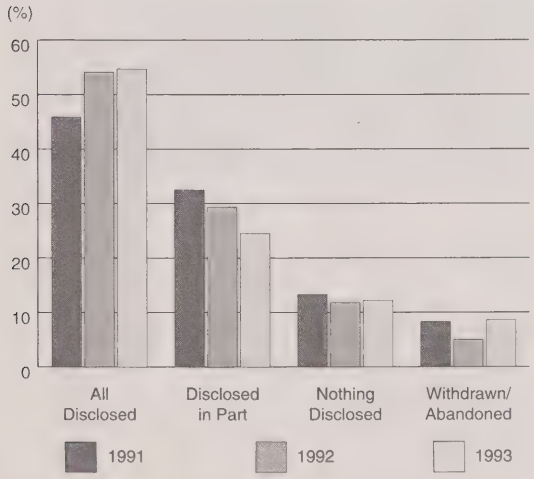
Provincial Exemptions Used General Records – 1993



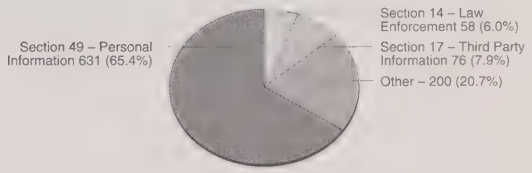
Municipal Exemptions Used General Records – 1993



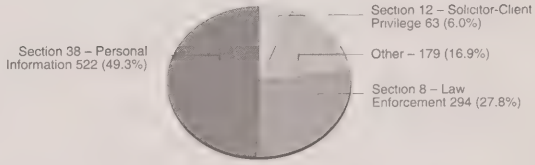
Outcome of Municipal Requests – 1991-93



Provincial Exemptions Used Personal Information – 1993



Municipal Exemptions Used Personal Information – 1993



Under the exemption provisions of the *Acts,* government organizations can and in some cases must refuse to disclose requested information. Following the pattern of the past few years, both provincial and municipal organizations in 1993 cited two exemptions most frequently – personal privacy and law enforcement.

Under the legislation individuals have the right to correct their personal information held by government. This year provincial organizations received 33 correction requests and refused 17 of them, continuing a trend toward refusal rather than correction. On the other hand, municipal organizations fully granted 64 of the 91 correction requests they received.

When correction is refused, the requester may attach a statement of disagreement to the record, outlining why the information is felt to be incorrect. This year five provincial and 15 municipal statements of disagreement were filed.

The legislation permits government organizations to charge fees for providing access to information under certain conditions. A fee estimate must be provided before filling the request where the expected charge is over $25. Organizations have discretion to waive payment where it seems fair and equitable to do so after considering several specific factors. In addition, institutions cannot require people to pay fees for access to their own personal information.

As in previous years, provincial organizations most often cited reproduction of material as the reason for collecting fees in 1993. Reproduction costs were mentioned in 40 per cent of cases where fees were collected, followed by preparation costs in 37 per cent and shipping costs in 20 per cent. Municipal organizations reported a similar pattern for 1993 – with reproduction costs cited in 37 per cent of cases where fees were collected, preparation in 27 per cent and shipping in 17 per cent.

Cases in Which Fees were Estimated
General Records – 1993

	Provincial		Municipal	
Collected in Whole	85.2%	3070	54.4%	1506
Waived in Part	0.1%	2	1.2%	33
Waived in Full	14.7%	531	44.4%	1227
Total Fees Collected (dollars)		$105,092.15		$47,489.59
Total Fees Waived (dollars)		$7,218.99		$10,504.61

If a government organization declines to release information, the requester can appeal to the IPC. Appeals can also be lodged concerning a refusal to correct personal information, the imposition of fees or other aspects of the handling of a request.

When an appeal is filed, the IPC attempts to mediate the case. If the disagreement is not settled within a reasonable time, we issue a binding order to resolve the appeal.

Efficiency Rises

The efficient processing of appeals ranks as a major priority at the IPC. This year the number of appeals resolved increased 26 per cent from the previous year, and 69 per cent of all appeals were completed within six months.

During the year four staff members served as Inquiry Officers with authority to decide appeals. This raised the number of decision-makers to six, increasing our capacity to produce orders. Due in part to this change, the number of orders issued in 1993 rose 90 per cent over the previous year's total.

INNOVATION PAYS OFF

A major contributor to our higher productivity was the Innovation Pilot Project launched on January 1, 1993 to simplify appeal procedures and improve customer service. Fourteen municipal and provincial government organizations are participating in this initiative. A special Appeals Innovation Team of IPC staff handles all appeals from the participating institutions.

The objective is to implement a time-driven rather than paper-driven process. At the outset of each appeal, a four month deadline is set for completion. Within this time frame it may not be possible for mediation to resolve all issues. Instead, the focus of mediation is to narrow the dispute. Orders are seen not as a last resort but as the most efficient solution in many cases. The project is also experimenting with alternatives to written representations, such as over the phone and in person to the decision-maker.

To fine-tune the process, the Innovation Team obtained feedback from both appellants and government organizations through client surveys. The results were generally positive. Even appellants whose appeals were unsuccessful were satisfied with the service they received. In addition, an advisory group representing the 14 institutions has been established to provide input to the IPC on how the project is working.

Using the new procedures, the Innovation Team completed approximately 85 per cent of its appeals within the four-month target. The project will continue in 1994, and the features that prove valuable will eventually be extended to the processing of all appeals. Also in 1994, the IPC plans to introduce more reforms to further reduce the time needed to resolve an appeal.

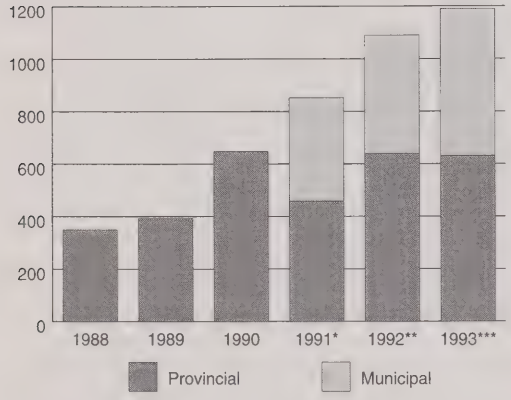
Statistical Overview

In all, 1190 appeals* were made to the IPC in 1993 – up nine per cent from the previous year. The provincial *Act* accounted for slightly more than half of all appeals lodged.

The volume of municipal appeals increased 24 per cent over 1992, while the number of provincial appeals remained virtually unchanged. The largest share of municipal appeals – 45 per cent – concerned municipal corporations, followed by police services boards and school boards. Eighty-four per cent of provincial appeals involved ministries rather than agencies.

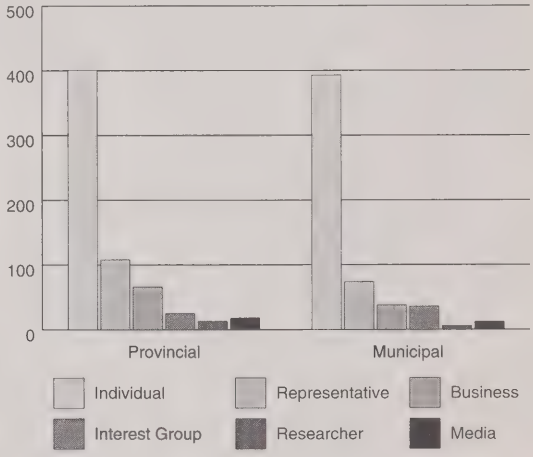
Although the *Acts* do not require appellants to provide information about themselves, the IPC tries to identify various categories of appellants. Since this exercise is rather subjective, the resulting information should be treated with caution. As in previous years, the figures indicate that the prime user of the appeals system is the general public, rather than businesses or other kinds of organizations.

Appeals Received – 1988-93



* An additional 741 inactive appeals were received during 1991
** An additional 129 inactive appeals were received during 1992
*** An additional 28 inactive appeals were received during 1993

Types of Requesters Involved in Appeals – 1993



Appeals Received by Issue – 1993

Types of Appeals	Provincial		Municipal		Total	
Request for general records	191	30.3%	221	39.5%	412	34.6%
Request for personal information	94	14.9%	108	19.3%	202	17.0%
Request for general records/ personal information	249	39.5%	123	22.0%	372	31.3%
Request for correction of personal information	4	0.6%	7	1.3%	11	0.9%
Time extension	14	2.2%	6	1.1%	20	1.7%
Fees	48	7.6%	70	12.5%	118	9.9%
Third Party	31	4.9%	24	4.3%	55	4.6%
Total	**631**	**100.0%**	**559**	**100.0%**	**1190**	**100.0%**

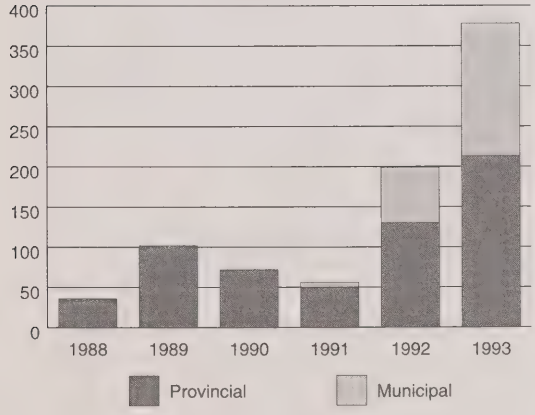
* The statistics cited in this annual report refer to active appeals only, unless otherwise indicated. In 1991 the IPC established a policy of limiting the number of appeals from any one source that we will work on at one time. This policy was necessary to deal with bulk use of the appeal process. Active appeals are those that were actively worked on by the IPC during the year. All other appeals are classified as inactive.

The IPC closed a total of 1408 appeals during 1993 – up about one-quarter from 1122 in 1992. Fifty-five per cent of appeals resolved this year concerned provincial government organizations. Provincial appeals closed were up nine per cent while municipal appeals closed increased 55 per cent.

Of the cases closed this year, we resolved 30 per cent by issuing an order, compared with 22 per cent closed by order in 1992. Provincial appeals were somewhat more likely to result in an order: 32 per cent of provincial and 28 per cent of municipal appeals were closed by order this year.

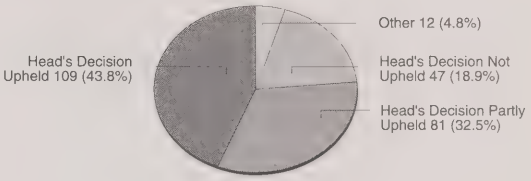
In all, the IPC issued 378 orders during 1993 – nearly double the total of 199 issued the previous year. (The number of orders is less than the number of appeals closed by order, since an order may deal with more than one appeal.) Orders were more evenly divided between provincial and municipal organizations this year. Fifty-six per cent of orders concerned provincial organizations, compared with 65 per cent in 1992.

Orders Issued – 1988-93

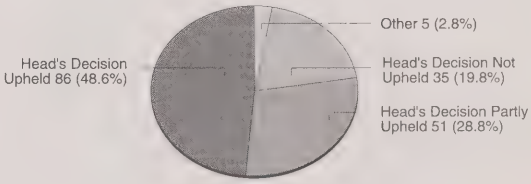


In appeals resolved by order, the decision of the head of the government organization involved was either not upheld or partly upheld in half of all cases. Where appeals were closed by means other than an order, the most frequent outcome by far was settlement by mediation. In fact, a mediated settlement occurred in a majority (54 per cent) of all appeals resolved by any means this year. These trends are similar to those observed in the previous year.

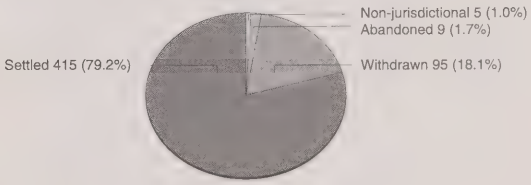
Outcome of Appeals Closed by Order Provincial – 1993



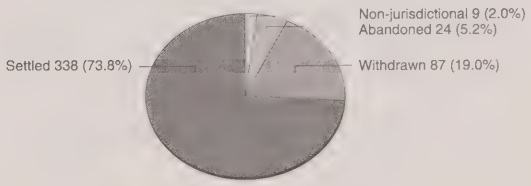
Outcome of Appeals Closed by Order Municipal – 1993



Outcome of Appeals Closed Other Than by Order Provincial – 1993



Outcome of Appeals Closed Other Than by Order Municipal – 1993



Highlights of Orders

The following sections describe major issues decided by the IPC in orders issued this year.

RELEASE OF SEVERANCE AGREEMENTS

Severance agreements between government organizations and departing employees were the focus of several appeals. The central issue was whether the contents of such agreements are exempt from disclosure because their release would result in an unjustified invasion of the personal privacy of the employees involved.

The IPC has held that clauses in a severance agreement conferring monetary entitlements do not define employment history. Nor do they describe an individual's finances, income, assets, net worth or financial activities. Hence, under the *Act* the disclosure of information found in such clauses is not automatically presumed to be an unjustified invasion of personal privacy.

Disclosure of the personal information contained in severance agreements therefore depends on consideration of the criteria for invasion of personal privacy as enumerated in the *Acts,* as well as on the circumstances of the case. Among the key criteria is whether the disclosure is desirable for the purpose of subjecting the activities of the government organization to public scrutiny. (Order M-173)

HARASSMENT INVESTIGATIONS

During the year the IPC dealt with a number of appeals concerning records of harassment investigations. We have stressed that it is neither practical nor possible to guarantee complete confidentiality to all parties during an internal investigation of this nature. It is the IPC's position that those who are accused of misconduct must be apprised of the substance of the allegation and who made it, in order to respond. (Order M-82)

In one case an individual who had been accused of harassment requested records of interviews conducted by the investigator. Five of the seven people interviewed consented to release of their records.

The Ministry withheld some of the requested information, arguing that it was highly sensitive and implicitly given in confidence. On appeal, the IPC held that these two criteria were relevant only to the personal information of the individuals who had not consented to disclosure, and then only to information that did not directly address the substance of the complaint. (Order P-447[1])

ACCESS TO DATA THROUGH COMMERCIAL VENDORS

Provincial and local government organizations are examining their vast information holdings as a potential source of non-tax revenue. This new approach raises the critical question of how the public's right of access to information will be balanced with the need for new revenues.

This issue arose in an appeal involving the Ontario Securities Commission (OSC). When a requester sought a current list of limited market and securities dealers, the OSC refused the request on the grounds that the records were currently available to the public by subscription through a private company, Micromedia Limited.

The IPC had previously ruled that for records to qualify as "currently available to the public", they must be available to members of the public generally through a regularized system of access (Order P-327). In this case we held that while a private entity like Micromedia might provide a system of access, it did not provide a regularized system of access available to the public generally.

Micromedia is not the equivalent of a government publications centre or a government-run public registry. Hence the records were not currently available to the public and the IPC ordered their disclosure to the appellant. (Order P-496[2])

[1] This order was under judicial review at the time of writing.
[2] This order was under judicial review at the time of writing.

FEE WAIVERS AND PUBLIC SAFETY

Under the *Act* a government organization may charge a fee for providing access to a record, but has discretion to waive the fee. In a case this year the requester sought records from Ontario Hydro concerning 23 projects originally included in Hydro's rehabilitation plans for the Bruce A Nuclear Generating Station, but later excluded from that project. Hydro granted partial access to the records but provided a substantial fee estimate.

The requester asked Hydro to waive the fee on the grounds that disclosure would benefit public health and safety, one of the factors listed in the *Act* for consideration in deciding on a fee waiver. Hydro refused and the requester appealed both the amount of the fee and the decision not to waive it.

The IPC stated that the standard which applies to review of a decision to charge a fee or the amount of a fee is simply one of correctness. We then considered whether the dissemination of the records would benefit public health or safety, applying several criteria we believed relevant.

We found that dissemination of the records would contribute to public understanding of a major public health and safety issue, the maintenance of aging nuclear reactors. We also noted the requester's pledge to release the records to the public. We therefore ordered Hydro to waive the fee. (Order P-474)

ACCOMMODATING VISUALLY IMPAIRED REQUESTERS

What are the responsibilities of government organizations to visually impaired requesters? This question arose when a visually impaired individual asked a Ministry for access to his personal information in an enlarged-print format.

A Ministry staff member spent several hours reading parts of the file to the requester, and during mediation the Ministry transcribed a portion of the record into large type. The Ministry contended, however, that providing the full record in the preferred format would entail prohibitive costs.

On appeal by the requester, the IPC found that the requirement under the *Act* to supply records in a comprehensible format meant in a format comprehensible to an average person. Accordingly, a government organization has no obligation under the *Act* to provide information to a visually impaired person in an alternative format.

However, the IPC also ruled that the Ministry was bound to respect the requester's rights as a handicapped person under *Ontario Human Rights Code*. We concluded that the Ministry's efforts to accommodate the requester's needs effectively allowed him to access his personal information. At the same time, we called on the Ontario government to establish clearly the obligations of government organizations when responding to access requests of this type. (Order P-540)

PETITION NOT CONFIDENTIAL

The status of petitions has been debated before the IPC, and we have stated firmly that petitions by their very nature are not documents that have an aura of confidentiality. Those who sign a petition do so voluntarily and by their signature take a public stand regarding the matter at issue. Petitioners are therefore aware that they are revealing personal information when they add their names to the petition.

A case this year involved a petition signed by 54 individuals, who were exercising their right under the *Municipal Act* to request the appointment of a commission of inquiry into the administration of a township. The solicitor of the township asked the Ministry of Municipal Affairs for access to the petition. The Ministry released the introductory text but refused to supply the names and addresses of the signers, claiming that to do otherwise would be an unjustified invasion of their personal privacy.

The IPC held that in the circumstances, it was not reasonable to expect the petitioners' identities to be kept confidential. The Ministry was ordered to disclose the record to the appellant. (Order P-516)

Settlement by Mediation

The majority of appeals are resolved through mediation. Here are a few examples of successful mediation efforts this year.

BOARD MEMBERS' ADDRESSES WITHHELD

An individual involved in a longstanding dispute with a college of applied arts and technology requested access to the names and home addresses of the board of governors. He wanted to write to the board members directly, fearing the college might be intercepting his correspondence. When the college refused the request, he appealed to the IPC.

During mediation both parties agreed that the college would give the individual a written guarantee that his letters to board members would not be opened and would be forwarded to them directly. On this basis the appeal was withdrawn.

NEUTRAL THIRD PARTY

A teacher requested a separate school board to provide a copy of a letter written about her by another teacher. When the board indicated its intention to grant access, the author of the letter appealed. The requester was concerned that the letter might be an "adverse report" as defined under the Ontario Teachers' Federation regulations, which set out procedures for dealing with an adverse report by one teacher against another.

During mediation both parties agreed to have the local teachers' union president examine the letter to determine whether or not it was an adverse report. If an adverse report was found, the union would deal with it appropriately; otherwise the matter would be dropped. On this basis the appeal to the IPC was withdrawn.

ACCESS TO AUDIT REPORT

The Ministry of Health conducted an operational audit of a business. A requester sought a copy of the audit, and the operator of the business appealed the Ministry's decision to release the information. Following initial discussions, the IPC Appeals Officer suggested that the requester and the appellant talk to each other about the information and why it was being sought. They agreed to do so and reached a mutually satisfactory solution.

Judicial Review

Like decisions of other administrative tribunals, orders issued by the Information and Privacy Commissioner may be reviewed by the courts on jurisdictional grounds.

At the end of 1992 there were 14 applications for judicial review pending. Five of these cases were resolved during 1993, and 24 new applications were filed. As a result, there were 33 judicial review applications outstanding at the end of 1993.

Outstanding Judicial Reviews – 1993

Launched by	
IPC	1
Requesters	2
Affected Parties	8
Institutions	22
Total	**33**

PERSONAL INFORMATION OF WITNESSES

One case decided this year dealt with the personal information of witnesses to an alleged offence. On behalf of the accused, the appellant sought access to the names and addresses of the witnesses. The institution having custody of the information, the Metropolitan Toronto Police, refused to disclose the information on the basis of several exemptions under the municipal *Act.*

On appeal, the IPC upheld the decision of the police, citing in particular section 14(3)(b). This section provides that a disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except where necessary to prosecute the violation or continue the investigation. (Order M-28)

The appellant applied for judicial review, arguing among other points, that the IPC had erred in law in concluding that the disclosure would constitute an unjustified invasion of personal privacy. The Divisional Court dismissed the application[1], stating in part:

> We are satisfied that the presumption contained in section 14(3)(b) applies. The exception therein, in our view, does not relate to possible proceedings against the interested parties....The Commissioner made no legal error and it is not our role to substitute our judgment on the merits for the decision made by him.

POLICE INVESTIGATION REPORT

Another case this year concerned an investigation by the Ontario Provincial Police into allegations of perjury and fabrication of evidence against four police officers. A requester sought access to the investigation report. On appeal the IPC decided that a copy of the report with some information withheld should be disclosed. (Order P-237)

We held that the presumption against disclosure of police investigation information under section 21(3)(b) of the *Act* had been rebutted by a combination of factors under section 21(2). The latter subsection lists criteria for determining whether or not a disclosure constitutes an invasion of personal privacy. The relevant factors in this case included the desirability of subjecting the institution to public scrutiny.

The four police officers applied to the Divisional Court for judicial review. The Court found[2] that in the clear words of the statute, once the presumption under section 21(3) has been established, it may be rebutted only by the criteria set out in section 21(4) or by the public interest override in section 23. There was nothing in the statute to confuse the presumption in section 21(3) with the balancing process in section 21(2).

Accordingly, the Court overturned the IPC's order and found that the report should not be released. The Court also commented on the standard of review that should be applied to the IPC's decisions. The Court stated that the Commissioner's decisions "ought to be accorded a strong measure of curial deference." The implication is that, in most cases, the IPC's decisions will be upheld unless they are found to be patently unreasonable.

[1] *Garrett Lewis v. Information and Privacy Commissioner* et al. (4 June 1993), Toronto 500/92 (Ont. Div. Ct.)
[2] *John Doe v. Ontario* (Information and Privacy Commissioner) (1993), 13 O.R. (3d) 767 (Div. Ct.)

The provincial and municipal *Acts* create rules for the collection, retention, use, disclosure, security and disposal of personal information in the custody and control of government organizations. Individuals who believe that their privacy has been compromised by a government organization can complain to the IPC. We investigate the complaint, try to mediate a solution and, depending on the findings, may make recommendations to the organization to revise its practices.

A few IPC investigations are appeals-driven. That is, we may decide to study an organization's procedures if problems come to light during an appeal.

In addition to responding to specific complaints and issues, the IPC on its own initiative selects certain government organizations and examines their practices for handling personal information. These broader compliance reviews give us a further tool for ensuring that organizations adhere to the legislation.

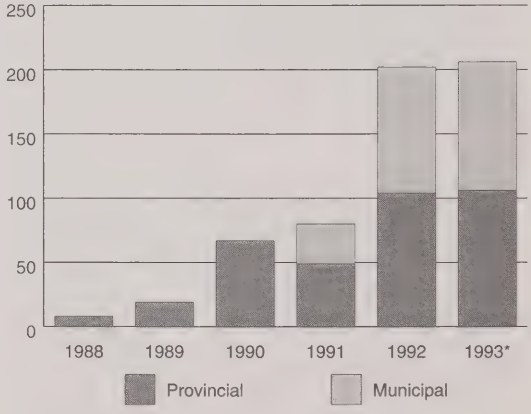
Occasionally a privacy investigation leads to questions that are broader than the subject matter of the complaint. In such cases, we may offer further comments to the government organization involved. In addition, we sometimes comment on specific problems or circumstances affecting privacy, outside the context of an investigation.

Through our investigation reports, compliance reviews and comments we are often able to provide insights and suggestions that are useful, not only to the parties concerned, but to government organizations more generally.

Better Customer Service

We completed 215 investigations this year, up six per cent from last year's completion total. In nearly three out of 10 complaints investigated, we found a breach of the legislation.

Number of Privacy Investigations Completed 1988-93



* does not include nine non-jurisdictional investigations

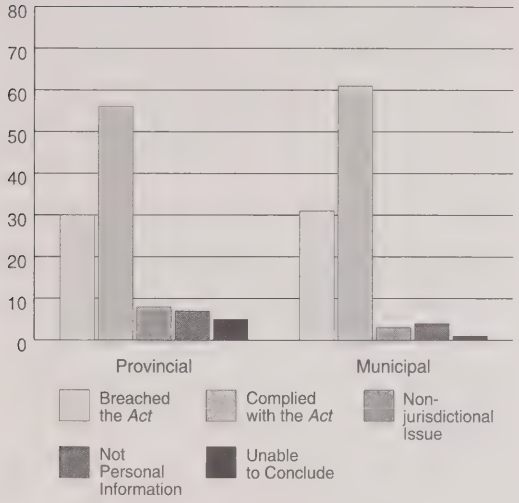
Summary of Privacy Investigations – 1993

	1992 Privacy Complaints		1992 Total	1993 Privacy Complaints		1993 Total
Carried Forward	51	**38**	89	20	**34**	54
Initiated	73	**94**	167	118	**81**	208*
Completed	104	**98**	202	106	**100**	215*
In Process	20	**34**	54	32	**15**	47

Municipal numbers appear in bold

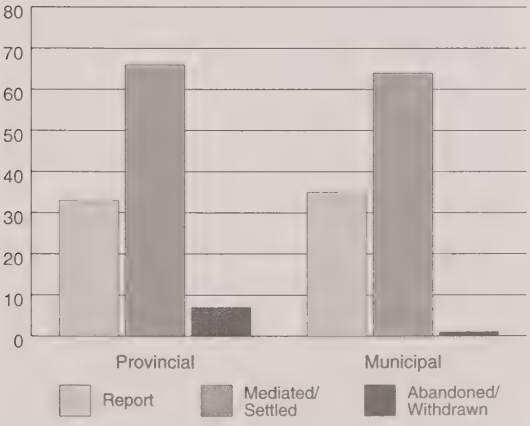
* includes nine investigations that were discovered to be non-jurisdictional during the course of the investigation

Privacy Investigations Completed by Outcome – 1993



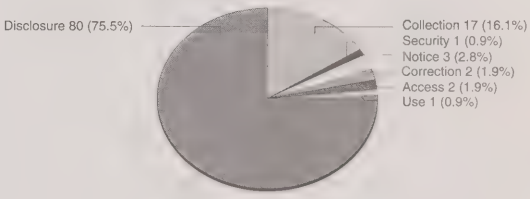
In 1992 the IPC began trying to resolve complaints without a formal report by encouraging mediation and voluntary settlement. This approach was refined in 1993, leading to significant resource savings and better customer service. A formal report was issued in less than one-third of cases. The average time to complete an investigation dropped by two-thirds – to 1.9 months in 1993 from 5.8 months in 1992.

Privacy Investigations Completed by Type of Resolution – 1993

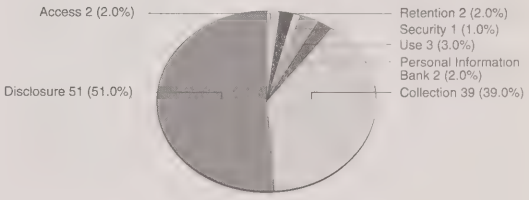


Three-quarters of provincial investigations and one-half of municipal investigations this year concerned the disclosure of personal information. The next most frequent issue was collection of personal information, which accounted for 16.1 per cent of provincial investigations and 39 per cent of municipal investigations.

Privacy Investigations Completed by Issue Provincial – 1993

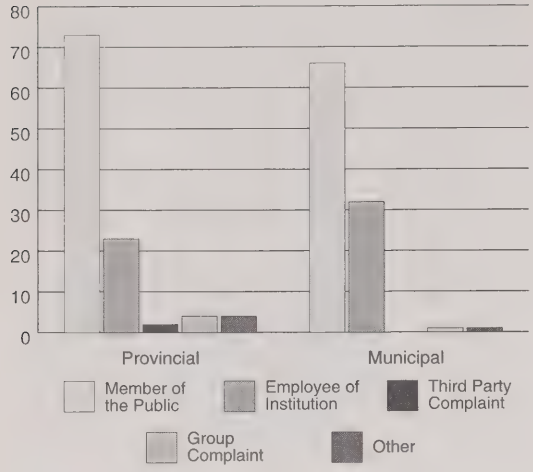


Privacy Investigations Completed by Issue Municipal – 1993



One-quarter of all complaints were filed by an employee of the government organization that was the subject of the complaint. It appears likely that government employees may be more aware of the existence of the *Acts* and their privacy rights under them.

Types of Complainants Involved in Privacy Investigations – 1993



ORAL COMPLAINTS

Written complaints are not the only way of seeking IPC assistance in privacy matters: we also respond to privacy concerns or complaints expressed over the telephone.

This year we resolved 163 oral privacy concerns or complaints. Most calls pertained to the disclosure of information. In a number of cases we contacted the government organization involved and brought the matter to their attention.

Investigation Highlights

The following are brief descriptions of key complaint investigations in 1993.

COVERT SURVEILLANCE JUSTIFIED

An employee complained that a school board had engaged a private investigator to videotape his activities outside the employer's premises during working hours. This information was used to terminate the individual's employment and subsequently was disclosed at a grievance hearing into the dismissal.

The IPC ruled that a videotaped recording of an individual was recorded personal information as defined under the *Act*. We concluded that the school board had reasonable grounds for believing that the employee was engaging in some other form of employment during his working hours; under the circumstances we considered the video surveillance to be justified, in order to prove these allegations.

We held that this collection of personal information was necessary for the employer to discharge the lawfully authorized management function of terminating an employee for cause. We also found that the disclosure of the information at the grievance hearing was consistent with the purpose for which it had been collected. (Investigation I92-55M)

CLOSED CIRCUIT TELEVISION

For security reasons, the Liquor Control Board of Ontario had installed a closed circuit television system in the general office areas of its premises. The IPC investigated following an employee complaint.

We found that the board's activity of protecting its personnel and assets was a lawfully authorized one. We agreed that the collection of personal information through video cameras at the entrance and exit points of the building, as well as at the access doors to related facilities, was necessary for this security-related activity.

However, it was our view that during office hours, video cameras in the corridors of the general office areas were being used for employee monitoring purposes. We did not believe this collection of personal information to be in compliance with the *Act*. Accordingly, we recommended that these cameras be deactivated during regular office hours.

When we later followed up on our recommendation, the board informed us that the video cameras in question were in fact being used during office hours for safety and security purposes, and that staff welcomed the presence of these cameras. Further investigation by the IPC and interviews with staff confirmed this.

However, we found that employees had not been made fully aware of the safety reasons for the presence of the video cameras. We therefore recommended that the board inform all employees in writing of the safety and security reasons for the installation of cameras on the board's premises. (Investigation I93-026P)

REFERENCE CHECKING

A teacher had completed various short-term, occasional teaching assignments for a school board over a period of two years. He applied for a long-term position and was selected as the successful candidate. During reference checks, the board spoke to an employee of another board, who was not one of the teacher's referees. Through this conversation it was learned that the teacher's employment had been terminated by the other board for unsatisfactory performance, and that there was an arbitration decision relating to the dismissal.

The board obtained a copy of the arbitration decision, which was available from a public source. Based on the information contained in this decision, the board terminated the teacher's long term contract and also removed his name from the occasional teacher list, thereby terminating his employment entirely. The teacher complained that the collection and use of the information in the arbitration decision breached his privacy.

The IPC determined that the school board had not provided proper notice for the collection of candidates' personal information, since the notice did not contain all the elements required by the *Act.* The notice did state, however, that the personal information collected would be used for the purpose of the long term competition only.

Therefore, we found that in relying on the teacher's personal information in the arbitration decision to terminate the long-term contract, the board had used the information for the purpose for which it had been collected. This use of the personal information was thus in accordance with the *Act.* However, we found that the board's use of the personal information to remove the teacher's name from the occasional teacher list was neither for the purpose for which it had been collected, nor for a consistent purpose. This use by the board, thus, was not in accordance with the *Act.*

We recommended that the board: provide proper notice for collection of personal information for job competitions and reference checks; obtain written authorization from job candidates to contact referees; and restrict the collection of personal information to referees the board has been authorized to contact. (Investigation I93-009M)

MONITORING EMPLOYEE ATTENDANCE

An employee at a correctional facility operated by the Ministry of the Solicitor General and Correctional Services complained about attendance review letters sent to employees whose rate of absenteeism was becoming unacceptable. He said that the Ministry had not at any time notified the individuals involved that the personal information contained in these letters had been collected.

The Ministry acknowledged that direct notice of the collection of attendance information had not been given to staff hired before the *Act* took effect. However, the Ministry argued that the employees had been adequately notified, since information about the collection appeared in the 1993-1994 Directory of Records.

The IPC found that including the collection in the Directory of Records did not constitute sufficient notice. Otherwise employees would have to check the directory regularly to find out what information the employer was collecting – an approach that would be inconsistent with the purposes of the *Act.* (Investigation I93-047P)

PROCESSING OF WCB CLAIM

An employee of a municipal ambulance service who had experienced "critical incident" stress used the services of the employer's staff psychologist and filed a claim with the Workers' Compensation Board (WCB). The employee later alleged that his supervisor had improperly collected and disclosed his personal information to the WCB, and that the psychologist had improperly disclosed his personal information to both the supervisor and the WCB.

The ambulance service had a health and safety unit that was responsible, among other things, for the administration of WCB claims. The IPC found that the supervisor's collection of information to submit to the unit was necessary for a lawfully authorized activity, namely processing of an employee's WCB claim. Hence it was in accordance with the *Act*.

However, the supervisor's disclosure of the employee's personal information directly to the WCB was not found to be in accordance with the *Act*. While the *Workers' Compensation Act* requires an employer to provide the WCB with information respecting a claim, it was the health and safety unit rather than the supervisor who was responsible for acting on the employer's behalf in claims administration.

In addition, the psychologist's disclosure to the supervisor was not in accordance with the *Act*. The supervisor did not need the information to perform his duties regarding the WCB claim. Furthermore, the disclosure was not for the same purpose as the collection, that is, the well-being of the employee. It was the psychologist and the critical stress debriefing team of which he was a member – not the supervisor – that had primary responsibility for the employee's well-being.

The psychologist's disclosure to the WCB, on the other hand, was in accordance with the *Act*. The WCB has authority to require employers to provide claims information and the psychologist had been contacted as an employee of the ambulance service for full particulars on the claim. (Investigation I92-84M)

Recommendations Implemented

Each year, the IPC follows up to ensure that government organizations have implemented the recommendations contained in our investigation reports. In 1993 we followed up on 68 recommendations made between July 1, 1991 and September 30, 1992. Sixty-five or 96 per cent of our recommendations had been implemented. The three remaining items involved one organization and had not been adopted due to cost and other operational factors. However, adequate compensating controls had been put in place.

Forms Review Yields Lessons

In addition to investigating complaints, the IPC reviews the practices of selected government organizations for handling personal information.

In 1993 we conducted a forms review to examine a cross-section of provincial government forms and verify compliance with the notice requirements of the *Act*. We took this step because forms are frequently used to collect personal information and provide notice of collection.

Under section 39(2) of the *Act* the notice of collection must include three components: the legal authority for the collection; the main purpose or purposes for which the information is to be used; and the title, business address and phone number of a public official who can answer questions.

Eleven Ministries participated in the review and in all 351 forms were examined. Of this sampling, 37 per cent contained proper notice as required by the *Act*; 21.7 per cent complied with two of the three notice requirements; 5.1 per cent complied with only one of the provisions; and 36.2 per cent contained no notice of collection at all.

We made several recommendations to the participating Ministries, which are also relevant to most government organizations covered by the *Acts*:

- Organizations should review all their forms used to collect personal information, to ensure that they contain proper notice.

- Policies and procedures regarding compliance with the *Acts* should be distributed to all staff involved in the forms management process, as well as documented in manuals.

- These policies should cover all forms used, both externally and internally.

- Policies are not enough – they must be put into practice whenever forms are introduced or changed.

Indirect Collection

Under the legislation, the Commissioner has the power to authorize the collection of personal information "otherwise than directly from the individual" in appropriate circumstances. This year the IPC processed six applications for indirect collection and approved four of the six.

WORKPLACE HARASSMENT PROGRAM

The Liquor Control Board of Ontario sought authorization to collect personal information for its Workplace Harassment Prevention Program. The IPC was unable to approve the application because the proposed structure for the program led to significant privacy concerns.

The intended procedures combined the roles of advisor and investigator in the same personnel. We felt that employees would have greater privacy if they could seek advice from a person responsible only for providing information and explaining options. Also, for the sake of objectivity, it was essential that the investigator be as far removed from the parties as possible. Combining the roles of advisor and investigator would make it difficult to tell when a complaint moved from one stage to the next.

Comments on Government Activity

Occasionally, issues arise during an investigation that go beyond the scope of the complaint being examined and call for further comment by the IPC.

EMPLOYEE MEDICAL INFORMATION

A case this year involved a section of the *Workers' Compensation Act*, which authorizes the Workers' Compensation Board to disclose medical records to employers. Sensitive information about employees' sexual lives with their spouses had been divulged to employers in support of disability claims.

While the IPC held that the disclosure was not contrary to the *Freedom of Information and Protection of Privacy Act*, we nonetheless felt that the release of such sensitive information could pose a significant threat to the privacy of the individuals concerned. We suggested that Ontario consider the scheme that has been adopted in Quebec. Legislation there requires the Board to release the worker's medical records to a health professional designated by the employer, who then provides the employer with a summary of the record.

TRAFFIC MONITORING

The IPC also offers comment on specific situations having privacy implications that come to our attention. This year we responded to an incident concerning the Ministry of Transportation's COMPASS traffic management video cameras, installed to monitor traffic flow and road conditions.

The incident involved a Ministry employee who was monitoring traffic and noticed an assault occurring on a highway. The employee used the video camera to get a closer look and called the Ontario Provincial Police. The police made an arrest and requested a copy of the videotape for law enforcement purposes.

In response to our inquiry, the Ministry stated that under its standard operating instructions, the video cameras should not be used to obtain close-up images, thereby identifying an individual. The incident in question was therefore contrary to the Ministry's standard procedures.

The Ministry indicated that it would begin education and awareness sessions to ensure that all staff involved in video monitoring of traffic understand the implications of the privacy *Act*. The Ministry was also planning to update its standard operating instructions to reflect this position.

The IPC replied that our objective was to see that the uses of the COMPASS system do not result in invasions of personal privacy. We stressed, however, that the Ministry's efforts to comply with the *Act* should not compromise the safety of Ontario motorists.

The Information and Privacy Commissioner conducts research on access and privacy questions and advises government organizations on information management and data protection. We raise access and privacy issues for public debate, and advocate government legislation and policies to ensure that general records are open to scrutiny while personal information is safeguarded.

Workplace Privacy Safety-Net

In a report released in November 1993, the IPC urged the Ontario government to legislate a workplace privacy safety-net covering both the public and private sectors. This report reflected feedback on a consultation paper distributed to key business, labour and advocacy groups in mid-1992.

It is estimated that every day millions of North American workers are monitored electronically on the job. Employers watch employees on closed-circuit television, track employee telephone activity, listen in on phone conversations, intercept electronic mail and program computers to collect data on users. We believe such monitoring practices are fundamentally degrading, and inevitably undermine employee morale and the quality of working life.

Various forms of employee testing also give serious cause for concern. For example, random drug tests show only that drugs or alcohol have been consumed at some point prior to the test; they do not in fact demonstrate the use of drugs or alcohol in the workplace or measure the impact on job performance. And genetic testing has ominous potential, as it may ultimately be used to screen individuals for specific inherited traits or disorders in an attempt to select a work force free of all genetic risks.

The privacy safety-net proposed by the IPC includes: a ban on mandatory genetic, drug and HIV/AIDS testing in the workplace; strict controls on electronic surveillance of employees; and new safeguards for employment records in the private sector, paralleling those now in force for government employees.

Confidentiality of Health Care Data

Health care information is probably the most sensitive type of personal information routinely compiled in our society. However, Ontario's existing access and privacy *Acts* have a very limited effect on health care records, since they apply only to provincial and municipal government organizations and exclude most hospitals.

In the absence of comprehensive regulations, decisions as to whether patients can access their own health care records are essentially left up to individual physicians and other health care practitioners. That may have been acceptable in an earlier, paternalistic era – but the IPC feels it is far too arbitrary and subjective for the health care consumers of the 1990s.

Furthermore, patients have no real control over their health care information after they provide it. There is little assurance that this sensitive information will be handled in a secure, systematic fashion, with due respect for confidentiality.

The Ontario Ministry of Health has been developing health care information access and privacy legislation on and off for several years. The IPC has emphatically urged the Ministry to make this effort a top priority. While still reluctant to introduce new legislation, the Ministry has agreed to consider increasing privacy protection through changes to regulations under existing pieces of legislation.

The problem of health card fraud has led Canadian governments to look into new types of personal identification for the health registration system. In Ontario the introduction of a photo health card has raised questions regarding the collection, use and disclosure of personal information. The IPC has underlined that privacy protection must be considered at the earliest possible stage in the development of any photo health card technology.

The Ministry of Health is reforming Ontario's drug programs. One initiative is the creation of a computer system linking Ministry databanks, pharmacies and ultimately doctors' offices. The IPC this year continued to meet regularly with Ministry staff developing the system to deal with issues of access, consent, notification, correction and security.

Information as a Commodity

In the '90s information has become a commodity – a tradeable product that can be bought and sold. The Ontario government is seeking opportunities to sell rights to government-held data as a new source of revenue. The IPC has raised concerns with the government's plans, from both access and privacy perspectives.

Access questions are involved when government information – to which the public has a right of access under the *Act* – is distributed through private vendors. It is essential to make it clear that the public will continue to enjoy unimpeded access through the usual freedom-of-information process. Otherwise, access could come to depend on the ability to pay, leading to the emergence of an information elite.

Privacy concerns are based on the potential for disclosure of personal information. Since the privacy safeguards of the *Act* do not apply to public databases, personal information in public databases can be sold to private vendors. It is possible for a government organization to designate a database as being public through a simple policy decision, without legislation.

In the current fiscal climate, government might feel increased pressure to declare more databases public, in order to create more opportunities for revenue. Such a trend would lessen privacy protection in Ontario.

The IPC has urged the provincial government to evolve a clear policy safeguarding the principles of the *Act* when government-held information is distributed by the private sector. We have recommended that the government consult widely with the public in developing such a policy.

New Technology Threatens Privacy

SMART CARDS

A smart card is a wallet-size plastic card that contains a computer chip with the capacity to hold vast quantities of data. Smart cards are being developed by various government organizations as access cards to programs and services. The IPC is worried that the piecemeal adoption of smart card technology could lead to a steady erosion of personal privacy.

In a paper released this year, we called on provincial and municipal governments to undertake a co-ordinated strategy for the adoption of advanced card technology. Privacy protection standards should be adopted for all smart card applications – addressing such issues as the card's purpose, its contents, access to the information stored, and the rights of cardholders. The strategy should also require a privacy impact statement to resolve privacy issues *before* a new or revised smart card application is approved.

TELECOM REVOLUTION CONTINUES

The combination of computer technology with the telephone system is revolutionizing communications but also threatening to erode the level of privacy we have come to expect. This year the IPC continued its advocacy in this area with two submissions to the Canadian Radio-Television and Telecommunications Commission (CRTC).

In one, we supported prohibition of automatic dialling and announcing devices to place calls for commercial purposes. These devices have been used for telemarketing at all hours of the day and night and may tie up the line after the call has ended.

In the other submission, we commented on the introduction of a name display feature as part of call management services. At present the phone number of incoming calls can be displayed on a screen through a feature known as "Caller ID". The proposal to also display the caller's name raises new privacy issues.

We recommended that businesses be prohibited from using the name-display feature to compile marketing lists, and that customers be offered options for the display of names and numbers, with free blocking of this feature available on both a per call and per line basis. We also stressed that telephone users have the right to know how call management services will impact on their privacy.

PHOTO RADAR

The Ontario government plans to introduce photo radar on a trial basis, for the purpose of enforcing highway speed limits. This new system utilizes roadside cameras that take pictures of speeding vehicles. The IPC questioned whether the purported traffic safety benefits truly outweigh the threat to privacy posed by this technology.

Our central concern is that vehicles, drivers, passengers and even pedestrians who happen to be in the vicinity of the speeding vehicle could be captured on the photo. We will continue to work with staff of the government's Integrated Safety Project to enhance privacy in the application of photo radar.

COMPUTER MATCHING GUIDELINES

Another privacy issue in the electronic age is computer matching by government organizations. Computer matching involves comparing information on specific individuals in databases collected for different purposes, or searching through databases to identify individuals who meet certain criteria.

A purpose of computer matching is to improve the efficiency of government programs and services. This objective must be weighed against the dangers to privacy. To provide direction on balancing these priorities, Management Board Secretariat (MBS) this year released a draft Directive and Guidelines on Computer Matching of Personal Information.

This MBS initiative stems from the review of the provincial *Act* by a standing committee of the Legislature in 1991. At the urging of the IPC, the standing committee proposed an examination of computer matching and the resulting privacy concerns.

The IPC provided comments to MBS on the draft documents with a view to reinforcing privacy protection and public accountability. For example, we suggested expanding the requirements for notifying the public about computer matching initiatives.

Financial Services Sector Evolving

The financial services industry is changing rapidly, and the boundaries between banks, credit unions and insurance companies are expected eventually to disappear. This will allow the various types of institutions to offer a wider range of financial services than in the past. The risk, as the IPC sees it, is that information a customer supplied to one type of institution for a particular service may be transferred to another part of the organization or to an allied company.

The Ontario government has a review of financial services in the province under way. The IPC made a submission to the ministry responsible to offer suggestions for protecting privacy.

COMMUNICATIONS AND PUBLIC EDUCATION STRENGTHENED

The IPC works to inform Ontarians of their rights and responsibilities under the *Acts*, and to heighten the public profile of access and privacy issues. We assist clients – people who use the information and privacy system – to understand their options as well as our practices and procedures. And we help government organizations, both provincial and municipal, to comprehend their obligations and how to fulfill them.

Province-wide Outreach

In 1993 we continued to strengthen our province-wide outreach effort.

Through the IPC Speakers' Bureau the Commissioner, Assistant Commissioners and staff completed 55 speaking engagements across Ontario. We addressed such groups as the Halton School Board in Burlington, a Canadian Bar Association meeting in Toronto, the Kent County Purchasing Agents in Chatham, the Thunder Bay Municipal Council, and academic groups at Queen's University, McMaster University and the University of Western Ontario.

Professional Development for Co-ordinators

Freedom of information and privacy co-ordinators in government organizations play a key role in the day-to-day operation of the access and privacy system. This year the IPC participated in 16 training sessions for municipal and provincial co-ordinators in all regions, in co-operation with Management Board Secretariat.

In addition, with Management Board Secretariat and the Association of Municipal Clerks and Treasurers of Ontario, we organized the co-ordinators' fall workshop. This year's event, "Access and Privacy: New Attitudes and Expectations", enabled more than 200 participants to share experiences and keep up with current issues.

Print Materials Distributed Widely

We continued to run an active print communications program to keep the Ontario, national and international access and privacy community informed of our activities. Our *Perspectives* newsletter reaches more than 4600 government organizations, business groups and interested individuals. A quarterly publication, *Précis*, reports order and investigation highlights.

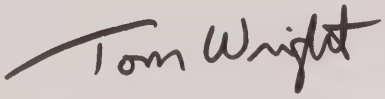
And a third publication, *Practices,* provides government organizations, appellants and other interested readers with useful explanations and guidance on specific practices and procedures. The seven issues released this year covered topics ranging from "Providing Notice of Collection" to "Raising Discretionary Exemptions during an Appeal".

FINANCIAL STATEMENT

Statement of Expenditure for the year ended March 31, 1994	1993-94 $	1992-93 $
Salaries and wages	5,455,199	5,107,014
Employee benefits	906,057	793,339
Transportation and communication	116,919	125,214
Services	1,121,528	1,244,445
Supplies and equipment	477,252	365,894
	8,076,955	**7,635,906**

The figures for the period ending March 31, 1994 are unaudited. For a copy of the Provincial Auditor's report please contact the IPC Communications department at 416-326-3333 or 1-800-387-0073; TTY (teletypewriter) 416-325-7539.

Approved:



Information and Privacy Commissioner